

Message Information

Date 01/19/2012 03:41 PM  
From "Lee Fuller" <lfuller@ipaa.org>  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject Pavillion Comment Deadline

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EXECUTIVE SECRETARIAT

Message Body

Dear Administrator Jackson,

Please find attached a letter submitted by the Independent Petroleum Association of America and the American Exploration & Production Council. These associations represent America's oil and natural gas producers and supporting industries. Hydraulic fracturing, particularly in conjunction with horizontal drilling, represents a linchpin to America's potential to expand its natural gas and oil production, add new jobs and improve its energy security. Recently, EPA released information related to its analytical work at Pavillion, Wyoming. The deadline to comment on this information is currently scheduled to close on January 27, 2012. The attached letter requests an extension of the comment period to a time 90 days after EPA releases essential data from the analytical work.

If we can be of further assistance or if you have questions regarding the letter, please contact Lee Fuller at [lfuller@ipaa.org](mailto:lfuller@ipaa.org) or by phone at 202-857-4731 or by mail at IPAA, 1201 15<sup>th</sup> St., NW, Suite 300, Washington, DC 20005.

Thank you for your consideration.

Lee Fuller



IPAA Letter to EPA on Pavillion Comment Deadline 01-2012.pdf

OEX Processing Information

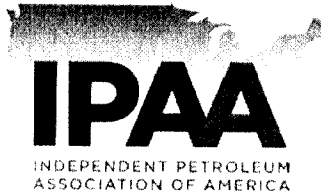
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Sent via email

January 19, 2012

Lisa Jackson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue  
Washington, D.C. 20460

Docket ID No. EPA-HQ-ORD-2011-0895

Dear Administrator Jackson:

In December, the Environmental Protection Agency (EPA) solicited comments on the information presented in its document, *Draft Research Report: Investigation of Ground Water Contamination Near Pavillion, Wyoming*, with a closing date of January 27, 2012. Since that time the State of Wyoming has raised a number of questions regarding details on the quality of the testing that was undertaken. According to Wyoming officials, EPA has yet to respond to those questions. Without a clear understanding of the information that EPA has yet to reveal, it is impossible to provide EPA's planned peer review panel with a full perspective of the analysis. Consequently, the Independent Petroleum Association of America (IPAA) and the American Exploration & Production Council (AXPC) join in requesting EPA to delay the deadline for its comment period from January 27 until a time 90 days from the date that EPA releases the critical data necessary for a thorough evaluation.

This data would include all the Report-related raw data, including instrument printouts (e.g., chromatograms, mass spectra, integration reports) for calibrations, investigative samples and QC measures, especially for the organic compounds, the glycol compounds, and the isotopic analysis. Without a thorough review of the supporting raw data, data users and interested parties cannot have confidence that analytical results are qualitatively or quantitatively valid (or properly identified) as reported or that the values presented in summary tables are even correctly transcribed. In addition, all compositional and analytical data (including the raw data) pertaining to the materials used in drilling, completion, development and sampling of the EPA's deep monitoring wells must be made public, as there are serious questions as to whether poor or inappropriate methods were employed that account for the constituents the EPA tentatively attributes to fracturing.

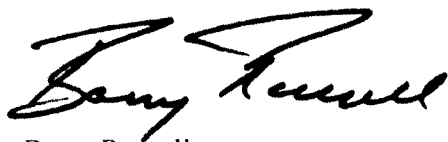
EPA is at a crossroad. It must recognize that its history in the Pavillion area includes past incidents where it announces a perception of a result that is later recognized as inaccurate. In this instance, press accounts across the nation depict EPA's statements as conclusions when no peer reviewed confirmation of the results has occurred. Rushing now to a peer review when so many questions exist regarding the fundamental adequacy of the data can only lead to greater risk of the Agency's science based analyzes being broadly discounted. Only a thorough and high level peer review can provide the credibility EPA needs on this analysis. And, such a review cannot occur without a full opportunity for the raw data to be assessed.

Moreover, EPA's action here reverberates in other oil and natural gas production analytical work. EPA continues its congressionally requested study of the impact of hydraulic fracturing on drinking water. Clearly, the physical factors related to the Pavillion area are wholly different from those in the active shale gas and shale oil resources that are the focus of the hydraulic fracturing study. However, all indications are that EPA will utilize testing protocols based on its efforts in the Pavillion area. Consequently, the Agency's actions with regard to assuring the scientific integrity of its Pavillion analysis will define the credibility of its work in the hydraulic fracturing study.

IPAA and AXPC believe that EPA needs to assure that its analytical work meets the high standards expected from the Agency. Without a release of the data and an appropriate time for its analysis by the State of Wyoming, other federal agencies and stakeholders, the peer review panel would be irreparably hampered. For these reasons, IPAA and AXPC believe that a 90 day period following the release of the comprehensive data is essential.

If additional information is needed, please contact Lee Fuller, [lfuller@ipaa.org](mailto:lfuller@ipaa.org), or Bruce Thompson, [bthompson@axpc.us](mailto:bthompson@axpc.us).

Sincerely,



Barry Russell  
President and CEO  
Independent Petroleum Association of America



Bruce Thompson  
President  
American Exploration and Production Council



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

ORD-  
Ax-12-001-1038

JUL 23 2012

OFFICE OF  
RESEARCH AND DEVELOPMENT

**VIA EMAIL**

Bruce Thompson  
President, American Exploration and Production Council

Dear Mr. Thompson:

Thank you for your letter of January 19, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's draft report, "Investigation of Ground Water Contamination near Pavillion, Wyoming." Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

In your letter, you emphasized the need for a thorough and high level peer review of the draft report. I share your view that a rigorous and transparent peer review process for this high profile investigation is warranted. To that end, the Agency is following the Office of Management and Budget's requirements for the highest level of peer review with respect to public involvement, transparency, and the establishment of a peer review panel with the appropriate expertise, balance, independence and absence of conflict of interest.

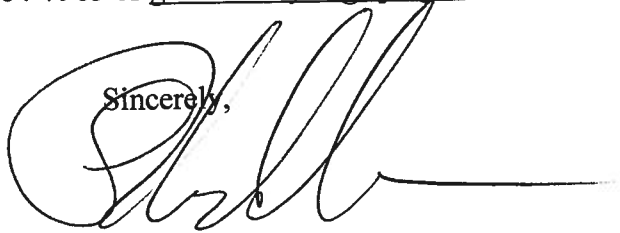
Your letter also urged the EPA to provide sufficient time for the public to review the underlying data generated during the course of the investigation. Specifically, you requested that the EPA release all report-related raw data and extend the public comment period (originally scheduled to end on January 27, 2012) for 90 days following the date of the release of the data. Regarding the release of information to the public, we have made over 750 supporting documents containing detailed technical data available on our public Pavillion website.<sup>1</sup> Additionally, as you may know, the EPA is currently working with the U.S. Geological Survey, in partnership with the State of Wyoming and the Wind River Tribes, to conduct another round of sampling in the Pavillion area. The results of the additional sampling will be publicly available this summer. To ensure that these new data will be available for the peer review process, the public comment period on the draft report has been extended through October 2012, and the peer review panel is expected to be convened in November 2012.

In closing, I would like to assure you that the EPA has used a scientifically sound approach in conducting the investigation in Pavillion. We have operated in a highly transparent manner in sharing information with the public, and we will adhere to a rigorous, transparent peer review of the data, methods, and conclusions of the study.

<sup>1</sup> <http://www.epa.gov/region8/superfund/wy/pavillion/>

Again, thank you for your letter. If you have further questions, please feel free to contact Dayna Gibbons of our communications staff at 202-564-7983 or [gibbons.dayna@epa.gov](mailto:gibbons.dayna@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Lek Kadeli', with a long horizontal line extending to the right.

Lek Kadeli  
Acting Assistant Administrator